

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

JPMORGAN CHASE BANK, N.A.

PLAINTIFF

V.

Civil No. 07-3031

MY ICIS, INC. d/b/a MYICIS.COM,
WAYNE HICKS, and JOHN BARRINGTON

DEFENDANTS

O R D E R

Now on this 22nd day of October, 2007, comes on for consideration plaintiff's **Motion For Default Judgment Against John Barrington** (document #4), and from said motion, and the supporting documentation, the Court finds and orders as follows:

Plaintiff states that it served defendant Barrington pursuant to **F.R.C.P. 4(e)**, and attaches a copy of the Domestic Return Receipt attached to the certified letter by which it mailed a copy of the Summons and Complaint to Barrington. The Domestic Return Receipt shows that someone other than Barrington signed for the certified letter, but does not reflect that delivery of the letter was "restricted."

F.R.C.P. 4(e) authorizes service "pursuant to the law of the state in which the district court is located . . . in an action brought in the courts of general jurisdiction over the State."

A.R.C.P. 4(d)(8) authorizes service upon an individual "by any form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or the agent of the addressee."

The service requirements of **A.R.C.P. 4** are strictly construed, and compliance must be exact. **Williams v. Citibank (South Dakota), N.A., 80 Ark. App. 42, 90 S.W.3d 451 (2002).** Because plaintiff failed to mail the service of process by restricted delivery, the Court finds that service upon Barrington has not been perfected, and the Motion For Default Judgment must, accordingly, be **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE